

Senate File 261 - Introduced

SENATE FILE 261

BY ZAUN

A BILL FOR

1 An Act relating to the practice of alternative and
2 complementary medicine, and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 147.86A Provisions not applicable.

2 The provisions of this chapter, or any chapter contained in
3 Tit. IV, subtitle 3, licensing a health care provider shall
4 not be construed to prohibit the practice of complementary and
5 alternative health care, as defined in section 147.95 by an
6 unlicensed person provided that the requirements of section
7 147.95 are met. The penalty provisions of section 147.86,
8 or specific penalty provisions contained within an otherwise
9 applicable licensing chapter, shall not apply to the practice
10 of complementary and alternative health care, subject to
11 section 147.95, subsection 4.

12 Sec. 2. NEW SECTION. 147.95 Complementary and alternative
13 health care.

14 1. This section shall be known and may be cited as the
15 *"Iowans Access to Complementary and Alternative Health Care Act"*.

16 2. As used in this section, and section 147.86A,
17 *"complementary and alternative health care"* means a diverse group
18 of health care and healing systems, methods, and treatments
19 that are practiced by persons who comply with subsections 3 and
20 4. Complementary and alternative health care includes but is
21 not limited to the following:

- 22 a. Ayurvedic medicine.
- 23 b. Acupressure.
- 24 c. Aromatherapy.
- 25 d. Biofeedback.
- 26 e. Detoxification practices.
- 27 f. Energy medicine.
- 28 g. Feldenkrais.
- 29 h. Foods, dietary supplements, and essential oils.
- 30 i. Herbalism.
- 31 j. Homeopathic medicine.
- 32 k. Hydrotherapy.
- 33 l. Hypnosis.
- 34 m. Kinesiology.
- 35 n. Light or sound therapy.

1 *o.* Mind-body centering.

2 *p.* Native American and other cultural healing practices.

3 *q.* Qigong.

4 *r.* Reiki.

5 *s.* Reflexology.

6 *t.* Traditional naturopathy.

7 *u.* Trager approach.

8 3. Complementary and alternative health care may be
9 provided by a person who is not a licensed health care provider
10 in this state pursuant to the licensure provisions of any
11 of the chapters of Tit. IV, subtitle 3, provided that the
12 following requirements are met:

13 *a.* Prior to the provision of complementary and alternative
14 health care, a provider of such care shall supply a prospective
15 client with a plainly worded written statement disclosing:

16 (1) That the provider is not a licensed health care provider
17 pursuant to the licensure provisions of any of the chapters of
18 Tit. IV, subtitle 3.

19 (2) The nature of the complementary and alternative health
20 care to be provided.

21 (3) The education, training, or experience, or other
22 credentials or qualifications of the provider regarding the
23 complementary and alternative health care being provided,
24 accompanied by the following statement:

25 "The state of Iowa has not adopted educational and training
26 standards for unlicensed complementary and alternative
27 health care providers. This statement of credentials is for
28 informational purposes only. If a client wishes to receive
29 health care from a licensed health care provider, the client
30 may seek such care at any time. Clients receiving treatment
31 from a licensed provider of health care should consult with
32 a licensed provider before modifying or discontinuing such
33 treatment."

34 *b.* A written acknowledgment shall be obtained from the
35 prospective client indicating that the prospective client

1 has been provided with the statement required by paragraph
2 "a". The acknowledgment shall be maintained by the provider
3 for a two-year period. A copy of the acknowledgment shall be
4 provided to the prospective client.

- 5 4. A person providing complementary and alternative health
6 care diagnoses and treatment shall be subject to the penalty
7 provision of section 147.86, and specific penalty provisions
8 pursuant to the applicable licensing chapter contained within
9 Tit. IV, subtitle 3, if that person does any of the following:
- 10 a. Fails to comply with the provisions of subsection 2.
 - 11 b. Conducts surgery or punctures the skin.
 - 12 c. Prescribes or administers X ray radiation.
 - 13 d. Prescribes or administers drugs or controlled substances
14 for which a prescription by a licensed health care provider is
15 required.
 - 16 e. Willfully administers a treatment that causes an imminent
17 and discernable risk of serious bodily injury, serious physical
18 or mental illness, or death.
 - 19 f. Represents, states, indicates, advertises, or implies
20 that the person has been issued a license to practice a health
21 care profession in this state.

22 EXPLANATION

23 The inclusion of this explanation does not constitute agreement with
24 the explanation's substance by the members of the general assembly.

25 This bill relates to the provision of complementary and
26 alternative health care by unlicensed persons.

27 The bill provides that the provisions of Code Tit.
28 IV, subtitle 3, dealing with the licensing of health care
29 providers, including penalty provisions, shall not apply to
30 the provision of complementary and alternative health care by
31 unlicensed persons, if the requirements of new Code section
32 147.95 governing the provision of such care are met.

33 The bill provides a definition of complementary and
34 alternative health care that refers to a diverse group of
35 health care and healing systems, methods, and treatments. The

1 bill provides examples of these services.

2 The bill provides that several requirements apply to the
3 provision of complementary and alternative health care. The
4 bill provides that prior to the provision of the care, a
5 provider of such care shall supply a prospective client with a
6 plainly worded written statement disclosing that the provider
7 is not a licensed health care provider, the nature of the
8 complementary and alternative health care to be provided, and
9 the provider's education, training, or experience, or other
10 credentials or qualifications. The bill provides specific
11 wording regarding this statement of credentials. The bill
12 provides that a written acknowledgment shall be obtained from
13 the prospective client indicating that the prospective client
14 has been provided with the statement.

15 The bill provides that current Code penalty provisions shall
16 apply if a specified list of unauthorized practices is engaged
17 in.